

306B-3

RECEIVED

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

MAY 01 2018

For assistance call (605) 773-3352

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 306-3Date: April 19, 2018I/We request that Water Right/Permit No. 306-3 formerly owned by:J. J. Curry and Sons

be transferred to:

New Owner Name: DAVID M. Curry TrustCloverleaf Farms.Address: 609 North WalnutoperatorCity, State, Zip Elk Point SD 57025Telephone No. 605/356-3376

Title to the following described land(s)/property has been transferred as described above:

sec 08-T091N-R49W, E 1/4 NW 1/4 - 80 Acres
sec 08-T091N-R49W, SW 1/4 NE 1/4 - 40 Acres

☐ I understand that the validity of Water Right/Permit No. 306-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

I believe this is already a valid permit

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, DAVID M. Curry, the new owner, certify that the above information is true and correct.

David M. Curry
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 1

2018

RECEIVED OF Cloverleaf Farms, Inc. 609N Walnut Street Elk Point, SD 57025

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 306-3		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

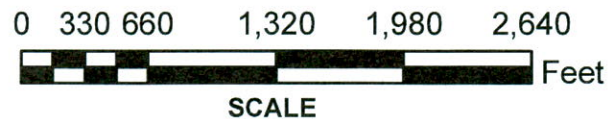
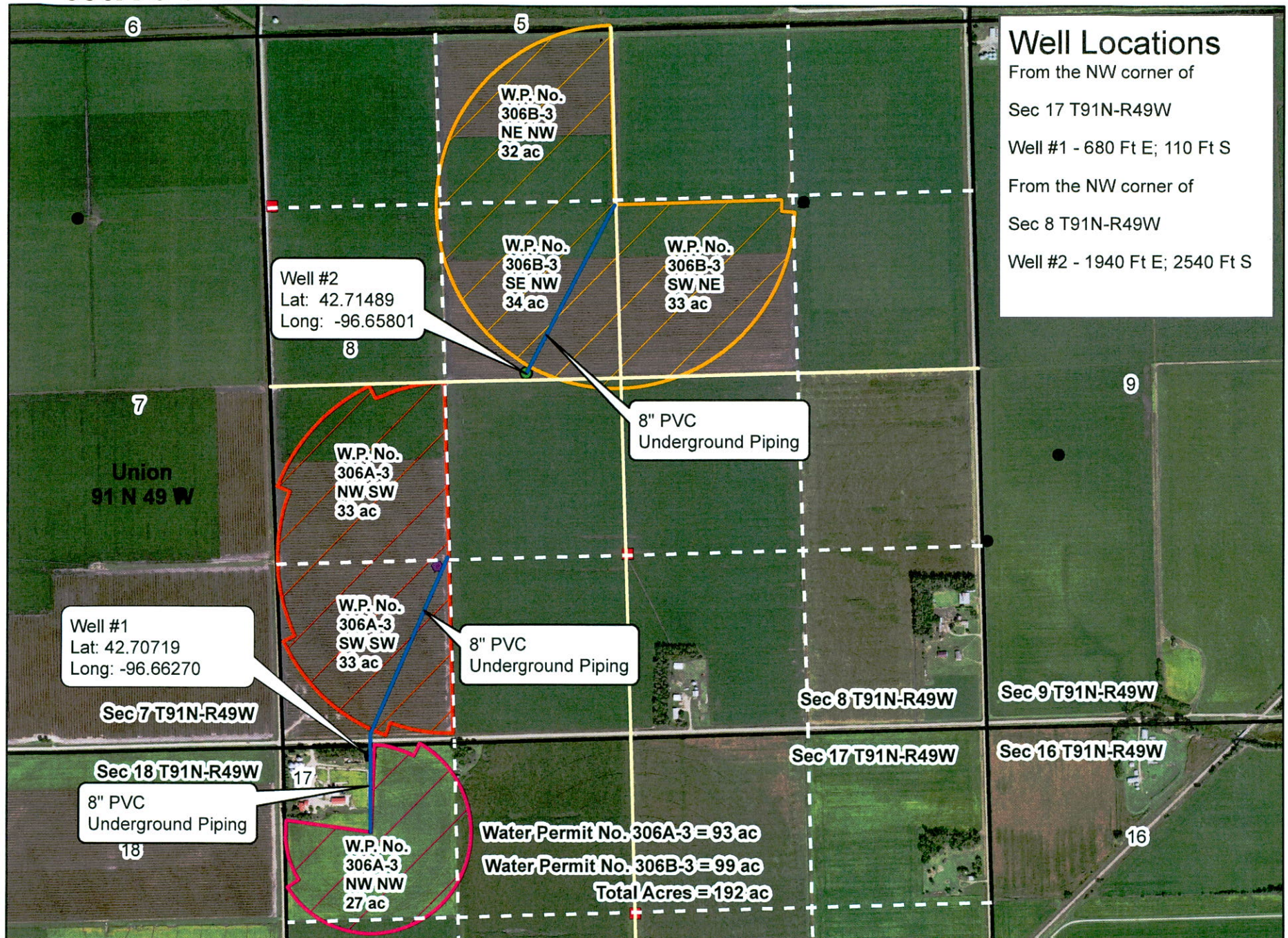
No. **08666**

By

Jeane Goodman
Chief Engineer

24.

306A-3 & 306B-3



Harold Holoch
 Harold Holoch, PE
 Staff Engineer
 July 19, 2018

Approval Change of Diversion Point and Additional Diversion Point

NAME: Curry & Sons

ADDRESS:

DATE: July 24, 2018

COUNTY: Union

TELEPHONE:

Water Right No. 306-3 appropriates 3.42 cubic feet of water per second from one well to be located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8 for irrigation of the E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 8 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17; all in T91N-R49W. Ownership of the land has occurred requiring splitting of Water Right No. 306-3.

- E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8 is owned by David Curry and operated by Cloverleaf Farms (Bill Curry)
- W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 8 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17 is owned by Tom Curry and operated by Scott Hanson

Harold Holoch, a water right inspector, was on-site and provided coordinates for each well. Mr. Holoch found two wells in place used to irrigate the parcels based on the current ownership. Based on discussion with Bill Curry it was learned that the well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8 was constructed in the mid to late 1980's. According to Mr. Curry this well was drilled as a replacement for the prior well. There is no well completion report on file. The southern well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17 was drilled after the northern well was in place. A well completion report on file indicate it was drilled in December of 1988.

Mr. Holoch's investigation of the diversion rates based on the operator's recollection provides only an estimate of the pump rates from the wells. The best estimate of the north well's (David Curry) pump rate is 2.0 cfs and the southern well (Tom Curry) is likely 1.78 cfs. This would put the total diversion rate authority, if correct, at 3.78 cfs which is 0.36 cfs greater than the 3.42 cfs authorized by Water Right No. 306-3.

The pump rate associated with Water Right No. 306-3 of 3.42 cfs is based on the statutory limit for irrigation of 240 acres. Given Water Right No. 306-3 is to be split based on ownership, my suggestion is that the diversion rate be the proportionate share based on acres. Since the split is an equal 120 acres the accompanying pump rate will be 1.71 cfs (767 gpm).

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased.

- **Developed water source same as permitted source and no additional water appropriated**

The wells are location in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 and the additional well is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17; all in T91N-R49W.

The additional well was constructed in 1988 into the Missouri Elk Point aquifer which is the same aquifer that is authorized by Water Right No. 306-3. The well is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17-T91N-R49W. The water right upon being split into Nos. 306A-3 and 306B-3 based on ownership will need limited to the proportionate share based on acreage. In this case since each owner has 120 acres their respective pump rate should be 1.71 cfs.

- **If irrigation, no new land is irrigated**

No additional land is being irrigated

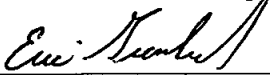
- **Review of Existing Diversions**

This is an area of extensive irrigation. Drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights or domestic wells. There is observation wells in the area. UN-77M is located approximately 1miles south, UN-87H is located about one mile to the north and UN-87I is a little over one mile to the northeast of the additional well site. These observation wells show normal seasonal and climatic fluctuation.

The additional well has been in place for 30 years without complaints regarding impairment.

RECOMMENDED ACTION

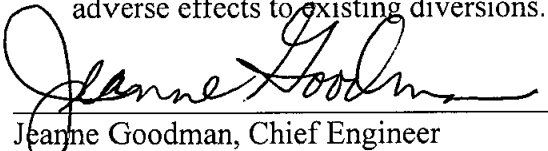
Based on the above criteria, it is recommended that the change of diversion point and additional diversion point be licensed as developed.



Eric Gronlund, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion point and additional diversion point does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 11 2018

306B-3

David M Curry Trust
609 N Walnut
Elk Point SD 57025

Dear Mr. Curry:

Enclosed is Reissued Water License No. 306B-3.

Based on the ownership changes filed, Water Right No. 306-3 has been divided and reissued to reflect separate ownership as follows:

- **No. 306A-3: Thomas W Curry, 32306 477th Ave., Elk Point SD 57025** authorizing diversion of water from a well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17 to irrigate 120 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, all in T91N, R49W;
- **No. 306B-3: David M Curry Trust, 609 N Walnut, Elk Point SD 57025** authorizing diversion of water from a well located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 to irrigate 120 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, all in T91N, R49W.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

You receipt paid for filing the ownership change is enclosed along with a map of the area. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 306B-3

(DIVISION OF WATER LICENSE NO. 306-3 INTO NOS. 306A-3 & 306B-3)

(1) Curry Brothers, Elk Point SD were issued Water License No. 306-3, January 28, 1958 for a right to divert 3.42 cubic feet of water per second (cfs) from ground water, one well (Missouri Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Water Right No. 306-3, with a priority date of September 24, 1956, authorizes irrigation of 240 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, all in T91N, R49W.

Since the initial licensing in 1958, the original well was replaced and an additional well was drilled to supplement the irrigation system. The replacement well is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 and the additional well is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T91N, R49W. Pursuant to SDCL 46-5-13.1, the Chief Engineer made a finding the change in diversion point and the additional diversion point did not increase the potential for adverse effects to existing diversions.

On May 1, 2018, ownership changes were filed for the land described in the water right. Based on the ownership changes, Water Right No. 306-3 is being divided and reissued to reflect separate ownership as follows:

- **No. 306A-3: Thomas W Curry, 32306 477th Ave., Elk Point SD 57025** authorizing diversion of 1.71 cfs from the well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17 to irrigate 120 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, all in T91N, R49W;
- **No. 306B-3: David M Curry Trust, 609 N Walnut, Elk Point SD 57025** authorizing diversion of 1.71 cfs from the well located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 to irrigate 120 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, all in T91N, R49W.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law and is entitled to divert 1.71 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,940'E and 2,540'S of the NW corner of Section 8, T91N, R49W (SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 8)
Latitude 42.71489, Longitude -96.65801

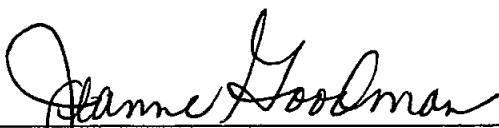
(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T91N, R49W	Section 8	E $\frac{1}{2}$ NW $\frac{1}{4}$	80 acres
		SW $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres
		Total	120 acres

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 David M Curry Trust, 609 N Walnut, Elk Point SD 57025 the holder and/or owner of Water Right No. 306B-3 is issued a license to appropriate water, the right to use 1.71 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of September 24, 1956 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 306-3.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 11 2018

date

